

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ROBERT M. DAVIES,

Plaintiff,

v.

Civil Action No.
5:16-CV-0852 (TJM/DEP)

CHRISTOPHER COMMUNITY, *et al.*,

Defendants.

THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

I. INTRODUCTION

This *pro se* employment action was referred to the Hon. David E. Peebles, United States Magistrate Judge, for initial review. In his September 9, 2016 Report, Recommendation and Order, Magistrate Judge Peebles: (1) granted plaintiff's *In Forma Pauperis* application; (2) denied with leave to renew plaintiff's motion for appointment of counsel; and (3) recommended that all claims be dismissed, with leave to replead, because the complaint fails to state a claim upon which relief may be granted [dkt. # 8]. Plaintiff did not file objections to the Report, Recommendation and Order, and the time to do so has expired.

II. DISCUSSION

After examining the record, this Court has determined that the Report, Recommendation and Order is not subject to attack for plain error or manifest injustice.

III. CONCLUSION

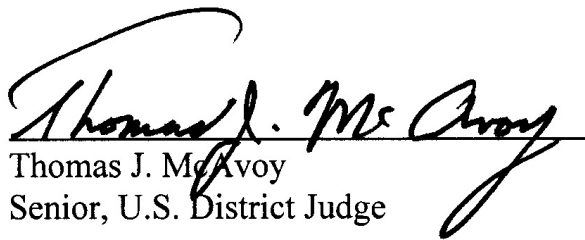
Accordingly, the Court **ADOPTS** the Report, Recommendation and Order [dkt. # 8] for

the reasons stated therein. Thus, it is hereby

ORDERED that plaintiff's complaint [dkt. # 1] is **DISMISSED** pursuant to 28 U.S.C. § 1915(e). Plaintiff is granted leave to replead.¹

IT IS SO ORDERED.

Dated:October 13, 2016


Thomas J. McAvoy
Senior, U.S. District Judge

¹The Court notes that on September 21, 2016, plaintiff filed an amended complaint. Dkt. # 9. The Court offers no opinion as to the sufficiency of the allegations made therein.